HIGH COURT OF UTARANCHAL AT NAINITAL

Writ Petition No. 932 (MS) of 2004

Rajendra Bahuguna
S/o Sh. Darshan Lal
R/o Brahamanwala.
Dehradun. .... Petitioner

Vs

A.D.J./FTC-II Dehradun
And others .... Respondents

Counsel for the petitioner Sh. B.P. Nautiyal
Standing Counsel for the respondents.

Dated:29-9-2004

Hon'ble Rajesh Tandon J.

Heard Sh. B.P. Nautiyal learned counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition the petitioner has prayed for a writ, order or direction in the nature of mandamus commanding the respondent No.1 to decide the appeal No. 237 of 2001.

Briefly stated the respondent No.2 has filed a suit against the petitioner for the relief of injunction being Original Suit No. 56 of 1999. The said suit was decreed on 19-11-2001. The petitioner has preferred an appeal being Appeal No. 237 of 2001.

The grievance of the petitioner is that the appeal is pending since 2000 and the same has not been disposed of for the last 4 years.

A perusal of the order sheet shows that it was fixed for hearing on various dates but due to one reason or other, the hearing has been delayed.

Counsel for the petitioner has informed that 3-11-2004 is fixed for final argument. Looking to the facts and circumstances of the case the Additional District Judge /FTC-II Dehradun is directed to expedite the disposal of the appeal preferably on the said date or thereafter within a period of one month.

In view of the above, the writ petition is disposed of. No order as to costs.

Dated:- 29-9-2004 (RAJESH TANDON J.)

M.K.